

## REMARKS

The Office Action dated February 24, 2005, has been carefully reviewed and the foregoing amendment has been made in response thereto.

The basis for the claim objections and rejections under 35 USC 112, second paragraph, has been overcome in the amended claims.

Claim 1 is amended to specify that the component of the system is an oil cooler. The valve element has been amended to specify that the first state closes a connection between the fluid source and the reservoir and opens a connection between the oil cooler and the reservoir, and the second state opens a hydraulic connection between the oil cooler and the fluid source.

Claims 1 and 2 stand rejected under 35 USC 102(b) as anticipated by Parquet (the '453 patent). Parquet has no reference to an oil cooler, nor does it disclose a valve having first and second states of Claims 1 and 7 as amended.

Claims 3, 4 and 7-10 stand rejected under 35 USC 103(a) as unpatentable over Parquet in view of Barrie et al. (the '085 patent). The Office action indicates that Parquet does not teach an oil cooler in parallel with a lubrication circuit or a second valve. Barrie teaches a lubrication circuit 14 and cooling circuit 16, which includes an oil cooler 40 in parallel with the cooling circuit 16, and a valve 34, which according to the Office action, opens and closes a connection between the fluid source and the lubrication circuit in response to the temperature of the fluid. The Office action concludes that it would have been obvious to include an oil cooler and temperature responsive valve as taught by Barrie in a transmission system of Parquet with the motivation being to increase the efficiency of this system. The Office action does not indicate how the circuit shown in Fig. 1 of Barrie could be combined with the system of Parquet.

First, it is important to understand that the bimetallic valve 34 of Barrie reduces flow in line 38 to the cooler 40 when fluid temperature is low, and fully opens passage 38 when the fluid temperature is high. (See column 4, lines 1-17). But the lube circuit 14 is

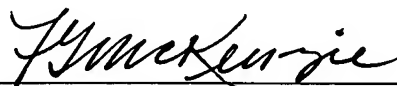
not affected by operation of valve 34, only the magnitude of flow through the cooler is affected by valve 34. The bimetallic valve 34 controls fluid temperature in the cooling circuit 16 by changing the volume of flow through heat exchanger 40 as a function of fluid temperature at valve 34. The second valve recited in Claims 4-6 opens a connection between the fluid source, which is pump 10 of Barrie, and the lubrication circuit 14 of Barrie when the temperature of the fluid is equal to or greater than a predetermined temperature. Bimetallic valve 34 of Barrie does not open or close lubrication circuit 14. The bimetallic valve 34 of Barrie does not open or close lubrication circuit 14 in response to fluid temperature. Therefore, Claims 3, 4 and 7-10 should not be rejected with reference to the Barrie patent.

Claims 5, 6, 11 and 12 apparently stand rejected under 35 USC 103(a) as unpatentable over Parquet and Barrie and Becker. Becker has been cited for teaching the torque converter in an automatic transmission. The Office action concludes that it would have been obvious to include a torque converter in the system of a combination of Parquet and Barrie, the torque converter being used with a cooler bypass parallel with a lubrication circuit.

Claims 5, 6, 11 and 12 define the present invention in terms of a converter apply pressure or a combination of converter apply pressure and release pressure. A second valve closes a first hydraulic passage that connects the second valve and converter apply pressure when temperature of the fluid is equal to or less than a predetermined temperature. Claims 6 and 12 define the invention in terms of a hydraulic path that connects the second valve and a source of converter applied pressure, a second hydraulic path that connects the second valve and a source of converter release pressure, and a second valve that closes the first hydraulic path and the second hydraulic path when the temperature of the fluid is equal to or less than a predetermined temperature. There is no teaching in Parquet, Becker or Barrie of a second valve responsive to the temperature of the fluid for opening and closing such first hydraulic path and second hydraulic path.

In view of the foregoing amendment and remarks, the claims in the application appear now in condition for allowance. Favorable action is respectfully solicited.

Respectfully submitted,

A handwritten signature in cursive script, reading "F. McKenzie", written over a horizontal line.

Frank G. McKenzie  
Attorney for Applicant(s)  
Reg. No. 29,242

MacMillan, Sobanski & Todd, LLC  
One Maritime Plaza, Fourth Floor  
720 Water Street  
Toledo, Ohio 43604  
(734) 542-0900  
(734) 542-9569 (fax)